

17-CV-1547



Office of the Prothonotary
Cumberland County, Pennsylvania

David D. Buell
Prothonotary

FILED
HARRISBURG, PA
SEP 05 2017
KC

Darrin Neuer

Vs.

Case No. 2017-07617 Civil Term

Thomas J. Arthur
Billman Trucking, Inc.

CASE TRANSFERRED TO

Middle District Court of Pennsylvania
Civil Division Federal Building
228 Walnut St., PO Box 983
Harrisburg, PA 17108

Please acknowledge receipt of this case by signing and dating this document.
Please send this back to:

PROTHONOTARY OFFICE
CUMBERLAND COUNTY COURTHOUSE
ONE COURTHOUSE SQUARE
SUITE 100
CARLISLE, PA 17013
Attn: Laura

Thanks!
Laura

Record received:

Date: 9/5/17

Print signature & title:

Victoria Edleblute, Deputy Clerk

Please read the instructions located at <https://www.ccpa.net/3805/Searchable-Civil-Records> before proceeding.

Case #2017-07617

Case Number	2017-07617
Commencement Date	7/27/2017 10:23:02 AM
Case Type	WRIT OF SUMMONS
PFA Number	
Caption Plaintiff	NEUER, DARRIN
Caption Defendant	ARTHUR, THOMAS J
Judgment Indicator	No
Judge	
Parcel Number	
Remarks	PRAECIPE FOR WRIT OF SUMMONS - BY THOMAS A ARCHER ATTY FOR PLFF
Disposition	

Plaintiffs

Name	Address	Country	Counsel	Notify	Sequence	Status
NEUER, DARRIN	250 NORTH 1ST STREET UNIT 311 BURBANK, CA 91502 UNITED STATES	US	ARCHER, THOMAS A	Yes	1	

Defendants

Name	Address	Country	Counsel	Notify	Sequence	Status
ARTHUR, THOMAS J	3663 MONROE STREET NAPOLEON, IN 47034 UNITED STATES	US	Campbell, John M.	Yes	1	
BILLMAN TRUCKING INC	9405 EAST STATE ROAD 48 NEW POINT, IN 47263 UNITED STATES	US	Campbell, John M.	Yes	2	

Docket Entries

Sequence	Filing Date	Docket Type	Docket Text	Filing ID
0	7/27/2017 10:23:02 AM	WRIT OF SUMMONS	PRAECIPE FOR WRIT OF SUMMONS - BY THOMAS A ARCHER ATTY FOR PLFF	1186800
1	8/22/2017 10:55:12 AM	AFFIDAVIT OF SERVICE	SERVED WRIT OF SUMMONS UPON DEFTS - BY THOMAS A ARCHER ATTY FOR PLFF	1191068
2	E 8/29/2017 2:18:16 PM	NOTICE OF REMOVAL	BY JOHN M CAMPBELL ATTY FOR DEFTS	1192422
3	E 8/29/2017 3:29:06 PM	PRAECIPE TO ENTER APPEARANCE	BY JOHN M CAMPBELL ATTY FOR DEFTS	1192457
4	E 8/29/2017 3:30:26 PM	DEMAND FOR JURY TRIAL	BY JOHN M CAMPBELL ATTY FOR DEFTS	1192459
5	E 8/30/2017 4:58:24 PM	NOTICE OF REMOVAL	TO US DIST COURT FOR THE MIDDLE DIST - BY JOHN M CAMPBELL ATTY FOR DEFTS	1192738
6	8/31/2017 4:00:52 PM	CASE TRANSFERRED	TO UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PA	1192937

Notes

Date	Entered By	Note

Date	Entered By	Note
8/30/2017	CCPAIDBRETZ	ATTY CAMPBELL CALLED THIS MORNING TO STOP THE NOTICE OF APPEAL TO MIDDLE DIST COURT THAT WAS E-FILED 8/29/17. PUT THE FILING BACK IN THE FOLDER. THEY WILL REFILE WHEN READY.

Fee History

Date	Receipt	Description	Amount
7/27/2017	2017-112-01618	FILING 2017-07617-0000: WRIT OF SUMMONS	\$115.75

Transaction History

Date	Receipt Number	Amount
7/27/2017 10:32:17 AM	2017-112-01618	\$115.75

TRUE COPY FROM RECORD

In Testimony whereof, I here unto set my hand
and the seal of said Court at Carlisle, Pa.

This 31st day of August, 20 17

Yanna Campbell Esq. Prothonotary

YOST & TRETTEA, LLP

BY: JOHN M. CAMPBELL

MICHAEL F. KERNOSCHAK

IDENTIFICATION NO. 53349/85889
Two Penn Center Plaza
Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

ATTORNEYS FOR: Defendants, Thomas J.
Arthur and Billman Trucking, Inc.

DARRIN NEUER

: COURT OF COMMON PLEAS
: CUMBERLAND COUNTY

v.

: CIVIL ACTION

THOMAS J. ARTHUR and
BILLMAN TRUCKING, INC.

: NO. 2017-07617

NOTICE OF REMOVAL

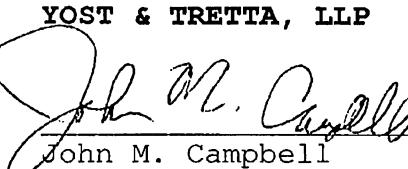
To: Prothonotary of the
Court of Common Pleas of
Cumberland County

Pursuant to 28 U.S.C. §1446(d), defendants, Thomas J. Arthur
and Billman Trucking, Inc., by and through their attorneys, Yost &
Tretta, LLP, hereby file a copy of the Notice of Removal filed by
the defendants in the United States District Court for the Middle
District of Pennsylvania on August 29, 2017.

Respectfully submitted,

YOST & TRETTEA, LLP

BY:


John M. Campbell
Michael F. Kernoschak
Attorneys for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.

Case 1:17-cv-01547-CCC Document 1-1 Filed 08/29/17 Page 1 of 1

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Darrin Neuer

(b) County of Residence of First Listed Plaintiff Los Angeles County
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Thomas A. Archer; Mette, Evans and Woodside
3401 North Front St., P.O. Box 5950
Harrisburg, PA 17110; 717-231-5235

DEFENDANTS

Thomas J. Arthur and Billman Trucking, Inc.

County of Residence of First Listed Defendant Ripley (Indiana)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
John M. Campbell/Michael F. Kernoschak, Yost & Tretta, LLP
Two Penn Center Plaza, Ste. 610, 1500 JFK Blvd.
Philadelphia, PA 19101, 215-972-6600

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> LABOR	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 896 Arbitration
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> IMMIGRATION	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Sections 1332, 1441 and 1446

Brief description of cause:

VI. CAUSE OF ACTION

VII. REQUESTED IN COMPLAINT:

(See instructions):

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE: 8-29-17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY



RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

Case 1:17-cv-01547-CCC Document 1 Filed 08/29/17 Page 1 of 3

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRIN NEUER :
v. :
THOMAS J. ARTHUR and :
BILLMAN TRUCKING, INC. : NO.

NOTICE OF REMOVAL

TO: The United States District Court
for the Middle District of Pennsylvania

Defendants, Thomas J. Arthur and Billman Trucking, Inc., by and through their attorneys, Yost & Tretta, LLP, hereby file the within Notice of Removal of the above-captioned matter from the Cumberland County Court of Common Pleas in which it is now pending, to the United States District Court for the Middle District of Pennsylvania, and in support thereof, aver as follows:

1. This action was commenced by Writ of Summons filed in the Cumberland County Court of Common Pleas, No. 2017-07617. A copy of the Writ of Summons is attached hereto, made a part hereof, and marked as Exhibit "A."

2. On July 31, 2017, plaintiff's Writ of Summons was served upon defendant, Billman Trucking, Inc., via First Class mail and certified mail, return receipt. A copy of plaintiff's Affidavit of Service is attached hereto, made a part hereof, and marked as Exhibit "B."

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3. On August 4, 2017, plaintiff's Writ of Summons was served upon defendant, Thomas J. Arthur, via First Class mail and certified mail, return receipt. See Exhibit "B."

4. At all times relevant to this action, plaintiff was an adult individual and citizen of the state of California, residing at 250 North 1st Street, Unit 311, Burbank, CA 91502. See Exhibit "A."

5. At all times relevant to this action, defendant, Thomas J. Arthur, was an adult individual and a citizen of the state of Indiana, residing at 3663 West Monroe Street, Napoleon, Indiana. See Exhibit "A."

6. At all times relevant to this action, defendant, Billman Trucking, Inc., was an Indiana corporation with its principal place of business located at 9405 East State Road 48, New Point, IN 47263. See Exhibit "A."

7. Thus, complete diversity of citizenship exists among the parties.

8. Upon information and belief, the value of the matter in controversy exceeds the amount of \$75,000.00, exclusive of interest and costs.

9. Accordingly, because diversity of citizenship exists and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, original jurisdiction exists in the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. Sec. 1332.

Case 1:17-cv-01547-CCC Document 1 Filed 08/29/17 Page 3 of 3

10. Copies of all process, pleadings and Orders which have been received by the defendants are filed herewith.

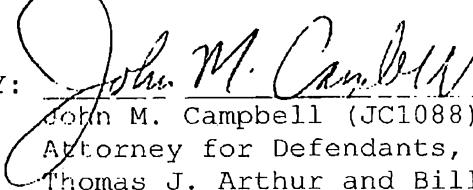
11. This Notice is timely, having been filed within thirty (30) days of service upon the defendant, Billman Trucking, Inc., with a copy of the Writ of Summons filed by the plaintiff by which this action was commenced.

WHEREFORE, notice is given that this action is removed from the Cumberland County Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

YOST & TRETTELL LLP

BY:


John M. Campbell (JC1088)
Attorney for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.
Two Penn Center Plaza, Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

Case 1:17-cv-01547-CCC Document 1-3 Filed 08/29/17 Page 1 of 1

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THERESA WALLS :
v. :
ERIC CHEVALIER, ATLAS LEASING :
COMPANY and TAK TRUCKING INC. : NO.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Notice of Removal was served upon counsel via First Class Mail on August 30, 2017:

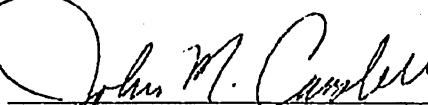
Thomas A. Archer, Esquire
Mette, Evans and Woodside
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110

Dated:

8/29/17

BY:

YOST & TRETTA LLP


John M. Campbell (JC1088)
Attorney for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.
Two Penn Center Plaza, Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 1 of 12

EXHIBIT "A"

8/29/2017

Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 2 of 12

Supreme Court of Pennsylvania
Court of Common Pleas
Civil Cover Sheet
CUMBERLAND
County

For Prothonotary Use Only:

Docket No:

2017-07617

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

S E C T I O N A	Commencement of Action: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Petition <input type="checkbox"/> Declaration of Taking
S E C T I O N	Lead Plaintiff's Name: Darrin Neuer Lead Defendant's Name: Thomas J. Arthur, et. al.
S E C T I O N	Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Dollar Amount Requested: (check one) <input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits
S E C T I O N	Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
S E C T I O N	Name of Plaintiff/Appellant's Attorney Thomas A. Archer, Esquire <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

S E C T I O N B	Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other <input type="checkbox"/> Other:	CIVIL APPEALS Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other:
	TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other:	REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other:	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other:
	MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other:		
	PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical Other Professional:		

Updated 1/1/2011

8/29/2017

Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 3 of 12



2017-07617-0000 F#1188800 File#S11575
WRIT OF SUMMONS

Rept: 2017-112-01818 7/2/2017 10:23:02 AM
David J. Buell County Prothonotary

Mette, Evans and Woodside
By: Thomas A. Archer, Esquire
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000
taarcher@mette.com

DARRIN NEUER,
250 North 1st Street, Unit 311
Burbank, CA 91502,

Plaintiff,

v

THOMAS J. ARTHUR,
3663 Monroe Street
Napoleon, IN 47034,

and

BILLMAN TRUCKING, INC.,
9045 East State Road 48
New Point, IN 47263,

Defendants.

IN THE COURT OF COMMON PLEAS
CUMBERLAND COUNTY, PENNSYLVANIA

: DOCKET NO.: 2017-C7617-CIV-11

: CIVIL ACTION - LAW AND EQUITY

: JURY TRIAL DEMANDED

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue Writ of Summons in the above-captioned action.

X Writ of Summons shall be issued and forwarded to Attorney Thomas A. Archer

Mette, Evans and Woodside
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000

Signature of Attorney

Supreme Court ID No. 73293

Date: July 14, 2017

8/29/2017

Case 1:17-cv-01547-CCC Document 12 Filed 08/29/17 Page 4 of 12

WRIT OF SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS
COMMENCED AN ACTION AGAINST YOU.

David D Bull
Prothonotary

Date: July 27, 2017

by Reeca M Amt
Deputy

() Check here if reverse is issued for additional information.

EXHIBIT “B”

Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 6 of 12

Mette, Evans and Woodside
By: Thomas A. Archer, Esquire
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000
taarcher@mette.com



2017-07617-0001 FM1191088 Fee:\$0.00
AFFIDAVIT OF SERVICE

Rept Z151795 8/22/2017 10:55:12 AM
David D Buell County Prothonotary

DARRIN NEUER,

Plaintiff,

THOMAS J. ARTHUR, and BILLMAN
TRUCKING, INC.,

Defendants.

IN THE COURT OF COMMON PLEAS
CUMBERLAND COUNTY, PENNSYLVANIA

DOCKET NO.: 2017-07617-Civil

CIVIL ACTION - LAW AND EQUITY

JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

I, Thomas A. Archer, Esquire, attorney for Plaintiff, Darrin Neuer, do hereby declare as follows:

1. I am attorney for Plaintiff and I am authorized to make this Affidavit.
2. A copy of the Writ of Summons was mailed to Defendant's, Billman Trucking, Inc., last known address of 9045 East State Road 48, New Point, IN 47263, via first-class mail and certified mail, return receipt requested on July 28, 2017. The certified mail was delivered and signed for on July 31, 2017. A copy of the executed green card is attached hereto as Exhibit "A."
3. A copy of the Writ of Summons was mailed to Defendant's, Thomas J. Arthur, last known address of 3663 Monroe Street, Napoleon, IN 47034, via first-class mail and certified mail, return receipt requested on July 28, 2017. The certified mail was returned as undeliverable on August 4, 2017.
4. An Accurint search for Defendant, Thomas J. Arthur, was performed on August 4, 2017, which revealed a current address for Defendant, Thomas J. Arthur, of 3663 West Monroe,

Napoleon, IN 47034.

5. A copy of the Writ of Summons was mailed to Defendant's, Thomas J. Arthur, most recent address of 3663 West Monroe, Napoleon, IN 47034, on August 4, 2017, via first-class mail and certified mail, return receipt requested on August 4, 2017. The certified mail was delivered and signed for. A copy of the executed green card is attached hereto as Exhibit "B."

Respectfully submitted:

METTE, EVANS AND WOODSIDE

Dated: August 15, 2017

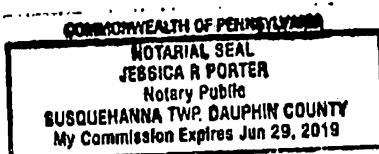
By: 

Thomas A. Archer, Esquire
Attorney ID: 73293
3401 N. Front Street
Harrisburg, PA 17110
(717) 232-5000
(717) 236-1816 (fax)
tarcher@mette.com
Attorney for Plaintiff

Sworn and subscribed before me
on this 10th day of August, 2017.


Notary Public

My commission expires 01/29/19



Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 8 of 12

Exhibit
A

Exhibit A



SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas J. Arthur
3663 West Monroe
Napoleon, IN 47034



9590 9402 2730 6351 0915 26

2. Article Number (Transfer from service label)

9489 0090 0027 6011 6158 26

PS Form 3811, July 2015 PSN 7630-02-000-S053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent
 Addressee

B. Received by (Printed Name)

T. Arthur

C. Date of Delivery

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below. No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Restricted Delivery | |

Domestic Return Receipt

Case 1:17-cv-01547-CCC Document 1-2 Filed 08/29/17 Page 10 of 12

Exhibit
B

Exhibit B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Freda J. Kelly</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Freda J. Kelly</i> <i>7-31-17</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Billman Trucking, Inc. 9045 East State Road, 48 New Point, IN 47263</p> <p></p> <p>9590 9402 2730 6351 0915 71</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Interchangeable <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>9489 0090 0027 6011 6158 95</p>		<p> Domestic Return Receipt</p>	
<p>PS Form 3811, July 2015 P/N 7530-02-000-9053</p>			

CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing Affidavit of Service upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage, prepaid, as follows:

Billman Trucking, Inc.
9045 East State Road 48
New Point, IN 47263
Pro Se Defendant

Thomas J. Arthur
3663 West Monroe
Napoleon, IN 47034
Pro Se Defendant

Date: August 18, 2017


Jessica R. Porter, Paralegal to Thomas A.
Archer, Esquire



2017-07617-0000 F#1186800 Fee:\$115.75
WRIT OF SUMMONS

Rcpt 2017-112-01618 7/27/2017 10:23:02 AM
David D. Buell, County Prothonotary

Mette, Evans and Woodside
By: Thomas A. Archer, Esquire
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000
taarcher@mette.com

DARRIN NEUER,
250 North 1st Street, Unit 311
Burbank, CA 91502,

Plaintiff,

v.

THOMAS J. ARTHUR,
3663 Monroe Street
Napoleon, IN 47034,

and

BILLMAN TRUCKING, INC.,
9045 East State Road 48
New Point, IN 47263,

Defendants.

IN THE COURT OF COMMON PLEAS
CUMBERLAND COUNTY, PENNSYLVANIA

DOCKET NO.: 2017-07617 CIVIL

CIVIL ACTION – LAW AND EQUITY

JURY TRIAL DEMANDED

PRAECLICE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY OF SAID COURT:

Please issue Writ of Summons in the above-captioned action.

X Writ of Summons shall be issued and forwarded to Attorney Thomas A. Archer

Mette, Evans and Woodside
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000

Signature of Attorney

Supreme Court ID No. 73293

Date: July 14, 2017

WRIT OF SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS
COMMENCED AN ACTION AGAINST YOU.

David D Bell
Prothonotary

Date: July 27, 2017 by Reeca Mank
Deputy

() Check here if reverse is issued for additional information.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

CUMBERLAND

County

For Prothonotary Use Only:

Docket No:

2017-07417

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:	
<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Petition
<input type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: Darrin Neuer	
Lead Defendant's Name: Thomas J. Arthur, et. al.	
Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Dollar Amount Requested: (check one)	
<input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits	
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of Plaintiff/Appellant's Attorney: Thomas A. Archer, Esquire <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.		
TORT (do not include Mass Tort) <ul style="list-style-type: none"> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (<i>does not include mass tort</i>) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: <hr/>	CONTRACT (do not include Judgments) <ul style="list-style-type: none"> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> Other: <hr/>	CIVIL APPEALS <ul style="list-style-type: none"> <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: <hr/>
MASS TORT <ul style="list-style-type: none"> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: <hr/>	REAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: <hr/>	MISCELLANEOUS <ul style="list-style-type: none"> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: <hr/>
PROFESSIONAL LIABILITY <ul style="list-style-type: none"> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: <hr/>		

Mette, Evans and Woodside
By: Thomas A. Archer, Esquire
3401 North Front Street
PO Box 5950
Harrisburg, PA 17110
(717) 232-5000
taarcher@mette.com



2017-07617-0001 F#1191068 Fee:\$0.00
AFFIDAVIT OF SERVICE

Rcpt Z151795 8/22/2017 10:55:12 AM
David D. Buell, County Prothonotary

ES
DWB

DARRIN NEUER,

Plaintiff,

v.

THOMAS J. ARTHUR, and BILLMAN
TRUCKING, INC.,

Defendants.

: IN THE COURT OF COMMON PLEAS
: CUMBERLAND COUNTY, PENNSYLVANIA
:
: DOCKET NO.: 2017-07617-Civil
:
: CIVIL ACTION – LAW AND EQUITY
:
: JURY TRIAL DEMANDED
:
:

AFFIDAVIT OF SERVICE

I, Thomas A. Archer, Esquire, attorney for Plaintiff, Darrin Neuer, do hereby declare as follows:

1. I am attorney for Plaintiff and I am authorized to make this Affidavit.
2. A copy of the Writ of Summons was mailed to Defendant's, Billman Trucking, Inc., last known address of 9045 East State Road 48, New Point, IN 47263, via first-class mail and certified mail, return receipt requested on July 28, 2017. The certified mail was delivered and signed for on July 31, 2017. A copy of the executed green card is attached hereto as Exhibit "A."
3. A copy of the Writ of Summons was mailed to Defendant's, Thomas J. Arthur, last known address of 3663 Monroe Street, Napoleon, IN 47034, via first-class mail and certified mail, return receipt requested on July 28, 2017. The certified mail was returned as undeliverable on August 4, 2017.
4. An Accurint search for Defendant, Thomas J. Arthur, was performed on August 4, 2017, which revealed a current address for Defendant, Thomas J. Arthur, of 3663 West Monroe,

Napoleon, IN 47034.

5. A copy of the Writ of Summons was mailed to Defendant's, Thomas J. Arthur, most recent address of 3663 West Monroe, Napoleon, IN 47034, on August 4, 2017, via first-class mail and certified mail, return receipt requested on August 4, 2017. The certified mail was delivered and signed for. A copy of the executed green card is attached hereto as Exhibit "B."

Respectfully submitted:

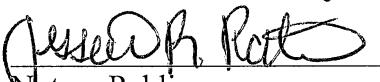
METTE, EVANS AND WOODSIDE

Dated: August 15, 2017

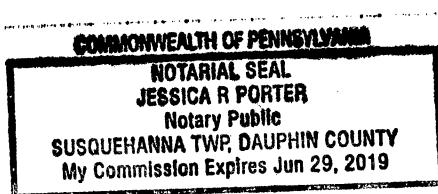
By: 

Thomas A. Archer, Esquire
Attorney ID: 73293
3401 N. Front Street
Harrisburg, PA 17110
(717) 232-5000
(717) 236-1816 (fax)
taarcher@mette.com
Attorney for Plaintiff

Sworn and subscribed before me
on this 18th day of August, 2017.


Notary Public

My commission expires 0/20/19.



(A)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature</p> <p>X </p> <p>B. Received by (Printed Name)</p> <p>T. Arthur</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <hr/> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Mail</p> <p><input type="checkbox"/> all Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
Domestic Return Receipt			

1. Article Addressed to:

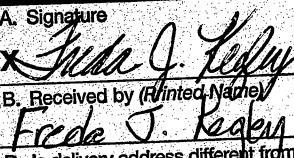
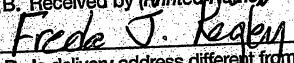
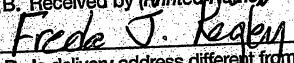
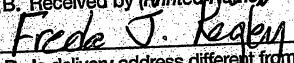
Thomas J. Arthur
3663 West Monroe
Napoleon, IN 47034

9590 9402 2730 6351 0915 26

2. Article Number (Transfer from service label)

9489 0090 0027 6011 6158 26

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY			
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">B. Received by (Printed Name) </td> <td style="width: 50%;">C. Date of Delivery 7-31-17</td> </tr> </table> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>		B. Received by (Printed Name) 	C. Date of Delivery 7-31-17
B. Received by (Printed Name) 	C. Date of Delivery 7-31-17				
<p>1. Article Addressed to: Billman Trucking, Inc. 904S East State Road, 48 New Point, IN 47263  9590 9402 2730 6351 0915 71 </p>		<p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input checked="" type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </p>			
<p>2. Article Number (Transfer from service label) 9489 0090 0027 6011 6158 95 </p>		<p>Directed Delivery Domestic Return Receipt</p>			

PS Form 3811, July 2015 PSN 7530-02-000-9059

CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing Affidavit of Service upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage, prepaid, as follows:

Billman Trucking, Inc.
9045 East State Road 48
New Point, IN 47263
Pro Se Defendant

Thomas J. Arthur
3663 West Monroe
Napoleon, IN 47034
Pro Se Defendant

Date: August 18, 2017



Jessica R. Porter, Paralegal to Thomas A.
Archer, Esquire

YOST & TRETTA, LLP

BY: JOHN M. CAMPBELL

MICHAEL F. KERNOSCHAK
IDENTIFICATION NO. 53349/85889
Two Penn Center Plaza
Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

ATTORNEYS FOR: Defendants, Thomas J.
Arthur and Billman Trucking, Inc.

DARRIN NEUER

: COURT OF COMMON PLEAS
: CUMBERLAND COUNTY

v.

:
: CIVIL ACTION

THOMAS J. ARTHUR and
BILLMAN TRUCKING, INC.

: NO. 2017-07617

NOTICE OF REMOVAL

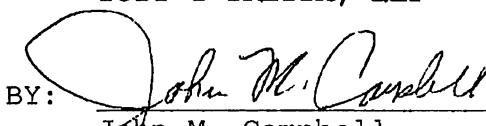
To: Prothonotary of the
Court of Common Pleas of
Cumberland County

Pursuant to 28 U.S.C. §1446(d), defendants, Thomas J. Arthur and Billman Trucking, Inc., by and through their attorneys, Yost & Tretta, LLP, hereby file a copy of the Notice of Removal filed by the defendants in the United States District Court for the Middle District of Pennsylvania on August 30, 2017.

Respectfully submitted,

YOST & TRETTA, LLP

BY:


John M. Campbell
Michael F. Kernoschak
Attorneys for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.

YOST & TRETTA, LLP

BY: JOHN M. CAMPBELL

MICHAEL F. KERNOSCHAK
IDENTIFICATION NO. 53349/85889
Two Penn Center Plaza
Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

ATTORNEYS FOR: Defendants, Thomas J.
Arthur and Billman Trucking, Inc.

DARRIN NEUER

: COURT OF COMMON PLEAS
: CUMBERLAND COUNTY

v.

: CIVIL ACTION

THOMAS J. ARTHUR and
BILLMAN TRUCKING, INC.

: NO. 2017-07617

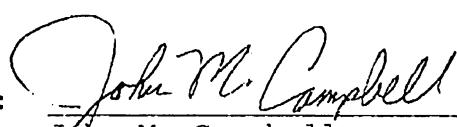
ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance as attorneys for defendants, Thomas J. Arthur and Billman Trucking, Inc., in the above-captioned matter.

YOST & TRETTA, LLP

BY:


John M. Campbell
Michael F. Kernoschak
Attorneys for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.

YOST & TRETTA, LLP

BY: JOHN M. CAMPBELL

MICHAEL F. KERNOSCHAK
IDENTIFICATION NO. 53349/85889
Two Penn Center Plaza
Suite 610
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
(215) 972-6600

ATTORNEYS FOR: Defendants, Thomas J.
Arthur and Billman Trucking, Inc.

DARRIN NEUER

: COURT OF COMMON PLEAS
: CUMBERLAND COUNTY

v.

: CIVIL ACTION

THOMAS J. ARTHUR and
BILLMAN TRUCKING, INC.

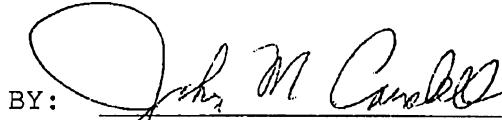
: NO. 2017-07617

DEMAND FOR JURY TRIAL

Defendants, Thomas J. Arthur and Billman Trucking, Inc., by and through their attorneys, Yost & Tretta, LLP, hereby request a trial by a jury of twelve members plus two alternates.

YOST & TRETTA, LLP

BY:


John M. Campbell
Michael F. Kernoschak
Attorneys for Defendants,
Thomas J. Arthur and Billman
Trucking, Inc.